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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,764	09/26/2003	John H. Crabtree	58934-010300	8888
33717 7:	590 05/04/2006		EXAMINER	
GREENBERG TRAURIG LLP			BUI, VY Q	
2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404		E 400E	ART UNIT	PAPER NUMBER
JAN TA MON	1011, 011 70101		3734	
			DATE MAILED: 05/04/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

				9		
		Application No.	Applicant(s)			
ů.		10/671,764	CRABTREE, JOHN H.			
	Office Action Summary	Examiner	Art Unit			
		Vy Q. Bui	3734			
Period fo	The MAILING DATE of this communication apports.	pears on the cover si	eet with the correspondence address			
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DOMESTIC TO THE MAILING DOMESTIC TO PROVIDE THE MAILING DOMESTIC TO PROVIDE THE MAILING DOMESTIC TO PROVIDE THE MAILING THE MAIL	ATE OF THIS COM 36(a). In no event, however will apply and will expire SIX cause the application to be	MUNICATION.  , may a reply be timely filed  (6) MONTHS from the mailing date of this communication.  come ABANDONED (35 U.S.C. § 133).			
Status						
1)🛛	Responsive to communication(s) filed on <u>07 A</u>	pril 2006.				
	This action is FINAL. 2b)⊠ This action is non-final.					
3)	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under E	Ex parte Quayle, 193	35 C.D. 11, 453 O.G. 213.			
Disposit	ion of Claims					
4)🖂	Claim(s) 1-27 is/are pending in the application					
,	4a) Of the above claim(s) 14-26 is/are withdraw		on.			
5)	Claim(s) is/are allowed.					
•	Claim(s) 1-12 and 27 is/are rejected.					
	Claim(s) is/are objected to.	l Aio m. ma musimo ma	ant.			
8)∐	Claim(s) are subject to restriction and/o	or election requireme	ant.			
Applicat	tion Papers					
9) 🗌	The specification is objected to by the Examine	er.				
10)	The drawing(s) filed on is/are: a) acc					
	Applicant may not request that any objection to the	drawing(s) be held in	abeyance. See 37 CFR 1.85(a).			
	Replacement drawing sheet(s) including the correct	tion is required if the c	transport Office Action or form PTO-152			
11)∐	The oath or declaration is objected to by the E	xaminer. Note the a	tached Office Action of John 1 10-102.			
Priority	under 35 U.S.C. § 119					
12)	Acknowledgment is made of a claim for foreign	n priority under 35 U	.S.C. § 119(a)-(d) or (f).			
а	)					
	1. Certified copies of the priority documen					
	2. Certified copies of the priority documen	ts have been receiv	ed in Application No			
	3. Copies of the certified copies of the price					
*	application from the International Burea See the attached detailed Office action for a list					
	See the attached detailed Office action for a lis	t of the contined dop				
Attachme	ent(s)					
	tice of References Cited (PTO-892) tice of Draftsperson's Patent Drawing Review (PTO-948)	P:	terview Summary (PTO-413) aper No(s)/Mail Date			
3) 🔯 Info	ormation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 per No(s)/Mail Date 9/03&8/04.	3) 5) 🔲 N	otice of Informal Patent Application (PTO-152) ther:			

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#### **DETAILED ACTION**

### Election/Restrictions

Claims 14-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 4/7/2006.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

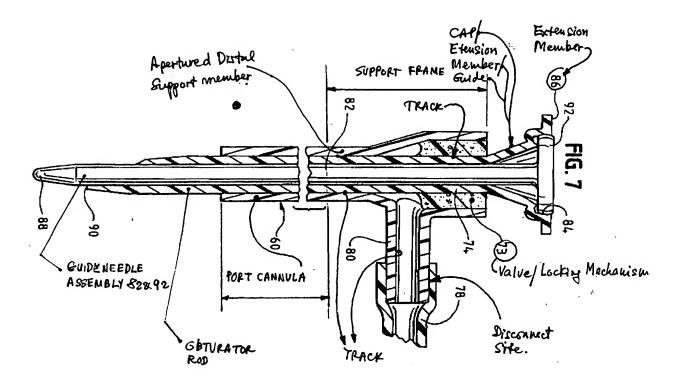
The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 12-13 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Utterberg-6,267,750.

As to claims 1-2, 4-9, 11-13 and 26-27, Utterberg-'750 (Fig. 6-7, for example) discloses substantially the claimed invention as indicated in the following reproduced Fig. 7:

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As to claim 3, valve 73 defines apertured/slit membrane and non-return valve.

As to claims 10-11, Utterberg-'750 (Fig. 1-4) discloses support frame 44, obturator cannula 10, port cannula defining lumen 16b, hollow core guideneedle 12b and needle 32 substantially as recited in the claims.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-496359. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vy Q. Bui

Primary Examiner

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14/19/2006